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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,533	10/03/2003	Yoshiaki Utsubo	SAT 197	9334

23995 7590 07/26/2007
RABIN & Berdo, PC
1101 14TH STREET, NW
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WASHINGTON, DC 20005

EXAMINER

HARTMANN II, KENNETH R

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

5K

Office Action Summary	Application No. 10/677,533	Applicant(s) UTSUBO, YOSHIAKI	
	Examiner Kenneth R. Hartmann	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 11-13 are vague and indefinite, and therefore cannot be understood. Perhaps adding ---and--- in between "apparatus" and "every" in line 12 would make the limitation more understandable.

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bollay et al (US 7,046,666) in view of Matsukawa (US 6,925,079).

For claim 1, Bollay et al. disclose a data transmitting method of a network line, which connects, via the network line, a transmitting apparatus for transmitting data to a plurality of receiving apparatuses for receiving the data and transmits the data from the transmitting apparatus to one of the receiving apparatuses (see Fig. 3), comprising the steps of holding a MAC address that is peculiar to each of the receiving apparatuses and a changeable IP address into each of the receiving apparatuses, previously holding the MAC address and the IP address into the transmitting apparatus and every receiving apparatus so as to correspond to each other (see column 10, lines 56-64), outputting a predetermined IP address from the transmitting apparatus to the network line (see column 11, lines 32-35), and if there is a defect of the line connection, updates the address table (see column 11, lines 36-39). Bollay et al. does not disclose when there is a defect in the line connection, outputting a transmitting request of the IP address and the MAC address from the transmitting apparatus to each of the receiving apparatuses. However, Matsukawa does disclose transmitting a request of the IP address and the MAC address from the transmitting apparatus to each of the receiving apparatuses when a defect in the line connection (duplicate IP addresses) exists (see column 3, lines 14-17). Therefore, it would have been obvious to one of ordinary skill in the art to implement the method of Matsukawa into the method Bollay et al. since Bollay et al. uses an ARP message request system that involves each receiving entity replying with the MAC address if the IP address of the broadcasted request does not match. The motivation for implementing the method of Matsukawa into the method of Bollay et al. would be to avoid sending the MAC address when they are not necessarily

needed. Neither Bollay et al. nor Matsukawa disclose transmitting the intended data if there are is a complete line connection or after the line connection has been resolved. However, it is obvious to one of ordinary skill in the art to transmit the data, since the purpose of the above messages are to ensure that when data is transmitted it will be received at the intended destinations without errors. The motivation for implementing the method of transmitting data into the monitoring methods of Bollay et al. and Matsukawa would be to show when the proper times to send data would be.

For claim 2, Bollay et al. in view of Matsukawa disclose the method as described above. Bollay et al. further discloses wherein the transmitting apparatus detects the completion of the line connection, the transmitting request of the MAC address is outputted from the transmitting apparatus to the receiving apparatus which holds the predetermined IP address, and when the transmitting apparatus detects the coincidence of its own MAC address held therein and the received MAC address, the data is transmitted from the transmitting apparatus to the receiving apparatus which holds the predetermined IP address (see column 12, lines 6-9).

For claim 3, Bollay et al. in view of Matsukawa disclose the method as described above. Bollay et al. further discloses wherein the transmitting apparatus comprises a personal computer having a printer driver for generating print data as the data and the receiving apparatus is a network printer (see column 10, lines 43-46).

For claim 4, Bollay et al. in view of Matsukawa disclose the method as described above. Bollay et al. further discloses wherein the transmitting request of the IP address and the MAC address is outputted from the transmitting apparatus to the receiving

apparatus and a table in which the received MAC address and the received IP address of each of the receiving apparatuses are made to correspond to each other is preliminarily formed in the transmitting apparatus (see column 11, lines 32-39).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frei (US 7,095,746), Oura (US 6,128,294), and Vepa et al. (US 6,512,774) are cited to show methods that use ARP broadcast request messaging.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Hartmann whose telephone number is 571-270-1414. The examiner can normally be reached on Monday - Thursday, 10 - 3 EST.

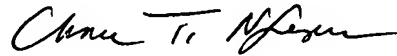
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kenneth Hartmann
AU 2616



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